

CalRecycle Responses to 45-day Comments, Proposed Regulation For Form 303 Household Hazardous Waste Reporting

Attachment 2
45-day Matrix of Comments

W – denotes a comment submitted in written format
S – denotes an oral comment received at the May 1, 2013 public hearing

Section/ Area	Comment Number	Commenter Affiliation	First Name	Last Name	Summary of Comment	CalRecycle Response	Revisions Needed
§18751.2.1 (e)	W01-01	San Francisco Department of the Environment	Margar et	Johnson	<p>Section 18751.2.1(e) of the proposed regulation states that “waste types listed in Section 18751 .2.3(a)(1-9) are defined in 49 CFR Code of Federal Regulations Section 172.101 .“ However, there is no definition in 49 CFR for “neutral oxidizers” and “oxidizing base” (18751 .2.3(a)(4)), “PCB-containing materials” (18751 .2.3(a)(5)), “Reclaimable” (18751 .2.3(a)(6)), “Universal Waste” (18751 .2.3(a)(8)), or “Other” (18751 .2.3(a)(9)).</p> <p>We suggest you delete Section 18751.2.3(e) and utilize the “Guide to Complete CalRecycle Forms 303” which is annually issued with the Form 303 spreadsheet to provide clarification on material category.</p>	Staff agrees that definitions need to be clarified, and has revised the regulation to provide definitions for material categories that were not previously defined.	§18751.2.1 (e)
§18751.2.3 (a)	W02-01	RecycleMore (West Contra Costa Integrated Waste Management Authority)	Nicole	Forte	Water programs want the mercury number broken down by types (elemental, thermometers, etc.) can the form have line items for this?	Staff believes there is not sufficient need at this time to collect data on the specific categories requested by the commenter, as tracking these new categories would be costly and burdensome to jurisdictions.	None
General Comment	W02-02	RecycleMore (West Contra Costa Integrated Waste Management Authority)	Nicole	Forte	Electronic format and submission is desired.	Staff notes that the proposed regulations will allow for the submittal of the Form 303 report in an electronic format.	None
§18751.2.3 (d)	W02-03	RecycleMore (West Contra Costa Integrated	Nicole	Forte	What about the paint that is consolidated and sent overseas for Reuse? Ultimate disposition is not accounted for in this form.	Staff notes that most local jurisdictions track the disposition of the materials through their own actions or through the direct actions of their contractors. However, if materials are sent to a stewardship	None

CalRecycle Responses to 45-day Comments, Proposed Regulation For Form 303 Household Hazardous Waste Reporting

Section/ Area	Comment Number	Commenter Affiliation	First Name	Last Name	Summary of Comment	CalRecycle Response	Revisions Needed
		Waste Management Authority)				organization, or other consolidating entitiy, the ultimate disposition methods may not be known to the local jurisdictions that submit a Form 303, and requiring them to track the ultimate disposition of such materials would pose an undue burden.	
§18751.2.3 (d)	W02-04	RecycleMore (West Contra Costa Integrated Waste Management Authority)	Nicole	Forte	Reuse will be estimated due to the fact that materials not taken the same month/year that they are put into the reuse area. The can count for PaintCare rebate may be a better estimate.	This comment is beyond the scope of this rulemaking.	
General Comment	W02-05	RecycleMore (West Contra Costa Integrated Waste Management Authority)	Nicole	Forte	A yearly summary report of all programs published by CalRecycle would be good. We could see if we are reducing the volume collected. This should include final disposition as well.	<p>This comment is beyond the scope of this rulemaking.</p> <p>However, staff notes that CalRecycle publishes Form 303 report data annually on its website at http://www.calrecycle.ca.gov/homehazwaste/reporting/Form303/.</p>	None
General Comment	W03-01	California Product Stewardship Council	Kimbra	Andrews	<p>The implementation of this regulation should reduce local government HHW collection reporting costs and standardize reporting for products managed under newly established producer responsibility programs in the State. We support the proposed regulation.</p> <p>In order to ensure effectiveness of California’s newly implemented producer responsibility programs, it is important to accurately and efficiently track the volume and disposition of products managed by product stewardship organizations. The proposed regulation will allow public agencies to report the products that they collect on behalf of stewardship programs. It will also provide CalRecycle with more flexibility when adding new products, which will aid in the tracking of products that are managed under future stewardship programs. The regulation will also create an online report database which will streamline the reporting process.</p>	Staff acknowledges the receipt of the comment, and notes that it does not appear to suggest any changes to the regulations.	None
§18751.2.1 (e)	W04-01	Rural Counties Environmenta	Larry	Sweetser	Subsection (e) indicates that, “With the exception of electronic waste, waste types listed in §18751.2.3(a)(1)-(9) are defined in 49 Code of Federal Regulations Section 172.101”. 49 CFR	Please see response to comment W01-01.	§18751.2.1 (e)

CalRecycle Responses to 45-day Comments, Proposed Regulation For Form 303 Household Hazardous Waste Reporting

Section/ Area	Comment Number	Commenter Affiliation	First Name	Last Name	Summary of Comment	CalRecycle Response	Revisions Needed
		I Services Joint Power Authority			<p>Section 172.101 does not really define these terms. It is primarily a list of Department of Transportation hazardous materials shipping names. A number of other categories in Section 18751.2.3 (a) are also not listed in 49 CFR 172.101. The current Form 303 Guide to Complete Forms CalRecycle 303a and 303b, Table 1 uses standard DOT descriptions and common terms not used by DOT to describe a number of waste types that are California-only hazardous wastes.</p> <p>These distinctions are useful and should be retained given the way California HHW is managed. Either this subsection can be removed or the following change is recommended:</p> <p>(e) With the exception of electronic waste, wWaste types listed in §18751.2.3(a)(1)-(9) are defined in 49 Code of Federal Regulations Section 172.101 <u>or common classifications for California Regulated hazardous wastes.</u></p>		
§18751.2.3	W04-02	Rural Counties Environmenta I Services Joint Power Authority	Larry	Sweetser	<p>The reporting categories indicated in this section are confusing. Subsection (a) requires reporting of “HHW collection amounts” as defined in Health and Safety Code §25218.1(e) which “does not include waste generated in the course of operating a business concern at a residence.” This definition also does not include hazardous wastes from Conditional Exempt Small Quantity Generators (CESQG) that are commonly mixed into the same drums as HHW and reported as HHW. In order to avoid excess record keeping by program operators the following change is recommended.</p> <p>(a) HHW-cCollection amounts shall be reported for the following categories:</p>	<p>Staff agrees that many HHW programs collect waste from households and businesses, and therefore report on materials collected from both types of entities. Staff also agrees that it would be burdensome for program operators to separately track materials from these different types of generators.</p> <p>Staff has revised the regulation to allow for reporting of both household and business wastes together.</p>	Various locations – changing the term “HHW” to “materials”
§18751.2.2	W04-03	Rural Counties Environmenta I Services Joint Power	Larry	Sweetser	<p>The term household is not defined in reporting the “Number of households that participated in the collection program” (Section (b)(2)(D)). Some jurisdictions report larger loads delivered by the same vehicle as more than one household even if that load is</p>	Staff agrees, and has revised the regulations to reflect this.	§18751.2.2

CalRecycle Responses to 45-day Comments, Proposed Regulation For Form 303 Household Hazardous Waste Reporting

Section/ Area	Comment Number	Commenter Affiliation	First Name	Last Name	Summary of Comment	CalRecycle Response	Revisions Needed
		Authority			from the same house. In order to provide consistent reporting and not increase reporting efforts, using a standard census definition for “households” and allowing a reporting agency to simply add a comment that a non- standard definition is used.		
General Comment	S01-01	Rural Counties Environmenta l Services Joint Power Authority	Larry	Sweetser	We support electronic reporting as it makes things easier. We would like the ability to print it out or compile it in an excel format offline so that data can be compiled and entered (even uploaded) into the database all at once. The reason is that not all the information is available at the same time, so being able to print a clean (neat) copy would be helpful.	Staff notes that the proposed regulations will allow for the submittal of the Form 303 report in an electronic format. Staff also notes that the comment does not appear to suggest any changes to the regulations.	None
§18751.2.2 (c)	W05-01	Fresno County	Leslie	Kline	<p>Please consider making the reporting period for Form 303 (Fiscal year)coincide with the reporting period for the DTSC form for E-waste (Calendar year) It would do the following:</p> <p>Allow us to compile the data once instead of twice. This change would not impact the manner in which I collect the data, which is an ongoing process. Currently I have to compile the data twice, once from Jan to Dec for DTSC and then from June to July for CalRecycle. For regional reporting entities such as Fresno County, the number of times we need to contact our participating jurisdictions and haulers (who often have some of the data needed) would be reduced.</p> <p>It would allow a comparison between the two reports. As a jurisdiction, I want to track changes over time. As the overseeing agency, I would think you would not only wish to do the same, but that you would benefit from being able to easily reconcile the two reports, to determine that both agencies are receiving the same data over the a given defined period of time.</p> <p>Creates the potential for the jurisdiction to file one less report, have to deal with one less deadline. The “extra” questions (e.g., counts of bare, broken, not covered items) that would need to</p>	<p>Staff disagrees. Staff appreciates that no single route that CalRecycle may take will result in no impact to the recordkeeping processes for all jurisdictions. However, while changing the reporting period might be beneficial to the commenter’s jurisdiction, staff believes that such a change would have a negative impact statewide on all jurisdictions as a whole.</p> <p>Merging the Form 303 report with the DTSC e-waste report is beyond the scope of this rulemaking.</p>	None

CalRecycle Responses to 45-day Comments, Proposed Regulation For Form 303 Household Hazardous Waste Reporting

Section/ Area	Comment Number	Commenter Affiliation	First Name	Last Name	Summary of Comment	CalRecycle Response	Revisions Needed
					<p>be “added” (actually just provided along with Form 303 so as not to compromise the regs) are data already being collected and reported upon. This change would not increase the flow/amount of data, nor the amount or frequency of the reporting process, for the jurisdictions or the agencies.</p> <p>For the two agencies, it would mean that only one staff person/team would be needed (not a person/team from each agency) to undertake the report process. This would create savings for both agencies and also the people who now prepare and submit two reports to the agencies.</p> <p>Certainly these two agencies are more than capable/technically able to share/coordinate such a joint effort – taking data submitted in on one form and selecting out what each agency needs. Any resources spent on such a coordination should be minimal, and a one-time expense, at best.</p>		